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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/455,664	12/07/99	MELGAARD	K PHB-34-305

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IM22/1122

EXAMINER

GCAMPOLM

ART UNIT

PAPER NUMBER

1723

DATE MAILED: 11/22/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/455,664

Applicant(s)

MELGAARD ET AL.

Examiner

Marianne S. Ocampo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-11 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8 recites the limitation "the block" in lines 3 and 4. There is insufficient antecedent basis for this limitation in the claim. Since claim 8 depends from the previous claim 3, and there is no mention of a structural part designated as "block" in the previous claim 3, thus, lacking insufficient antecedent basis in claim 8 and making the claim indefinite. In addition, it is unclear if a typographical error might have been made, and that claim 8 should have been a dependent claim of claim 7, instead of claim 3. For examination purposes, the examiner has

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considered claim 8 as a dependent claim of claim 7, where the "block" element was first mentioned, and not that of claim 3.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 – 2, 4 and 9 – 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Wallingford et al. (U.S. 652,413).

Wallingford et al. (413) disclose a water heating vessel in the form of a coffee pot/kettle (A) having a filter for filtering solids (sedimentary material) in water placed within the vessel/coffee pot (A), wherein the filter (C³) having a scale collector (wire-gauze/screen, C) attached to its structure, as in figs. 1 – 3 and page 1 of the specification (claims 1 and 11). Wallingford et al. also disclose the scale collector (C) being supported by a carrier member (C, C¹, C²) on a frame of the filter and permanently mounted on the frame, as in the figures lines 57 – 64 (claims 2 and 4). Wallingford et al. further disclose the scale collector being carried on the filter structure towards at least both ends thereof, including an end closest to the bottom of the

water vessel (A), as in fig. 1 (claim 9). Wallingford et al. disclose the filter structure, including the scale collector (C), being removably mounted within the vessel (A) and extending over a water outlet (B) of the vessel (A), as in lines 65 – 85 (claim 10).

6. Claims 1 – 3, 5 and 10 – 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Trably (GB 2,284,563).

Trably (GB 563) discloses a water heating vessel (10) in the form of an electric kettle having a filter (13) for filtering sedimentary material in water placed within the vessel/kettle (10), wherein the filter (13) having a scale collector (14) attached to its structure, as in figs. 1 – 3 and pages 1 – 8 of the specification (claims 1 and 11). Trably also discloses the scale collector (14) being supported by a carrier member (in the form of an outer edge ring) on a frame of the filter (13) and detachably mounted on the frame, as in the figs. 2 – 3 and page 8 (claims 2 - 3). Trably further discloses the filter structure (13), including the scale collector (14), being removably mounted within the vessel (10) and extending over a water outlet (18) of the vessel (10), as in page 7 and fig. 1 (claim 10). Lastly, Trably discloses the scale collector (14) being removably mounted from the filter (13), as in page 8 (claim 5).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallingford et al. (413) in view of Trably (GB 2,284,563).

Wallingford et al.(413) have been expanded above. Wallingford et al. fail to disclose the scale collector being removably mounted to the carrier member (as in claim 5). Trably (GB 563)

teaches a water heating vessel having a removable filter structure (13) which has a scale collector (14) attached thereto, wherein the filter structure is disposed at the outlet of a water heating vessel (10) and the scale collector (14) being removably mounted to a carrier member (17) on a frame of the filter (13), as in figs. 1 – 3 and page 8 (claim 5). It is considered obvious to one of ordinary skill in the art to modify the filter of Wallingford et al. (413), by adding the embodiment taught by Trably (GB 563), in order to provide an improved filter for a water heating vessel, which allows replacement of the scale collector of the filter element upon its clogging or damage after several usage, without having to replace the entire filter structure.

9. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wallingford et al. (413) or Trably (GB 563).

Wallingford et al.(413), or Trably (GB 563), have been expanded above. Wallingford et al. or Trably fail to disclose the scale collector comprising a compacted mesh block (as in claim 7). The scale collector disclosed by both prior art above, is in the form of a planar mesh (thin layer). It is considered that it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the configuration/embodiment of the scale collector of either Wallingford et al. or Trably, by having the scale collector be in the form of a compacted mesh block, depending upon the size of the contaminants/scale to be removed from the water, as well as the amount of contaminants/scale to be removed at a given time period. It is known in the art that a compacted mesh block has the ability to remove scale in both large and smaller

sizes/particle sizes than its planar mesh counterparts and has the ability to continue removing scale at a longer period of time, since it has a thicker (compacted) layer for particles/scale to get caught into.

Allowable Subject Matter

10. Claims 6 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 8 would also be allowable if rewritten to overcome the rejection under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: none of the prior art searched, alone or in proper combination, has disclosed or rendered obvious a filter having all the limitations recited in claims 1 and 3, and further having a water filtering mesh supported by the frame and the carrier member being situated on a part of the frame of the filter away from the water filtering mesh material supported by the frame, as recited in claim 6, and furthermore, the carrier member further having a part which extends through a bore in the scale collector mesh block and the mesh block being rotatable around the part, as recited in claim 8.

Conclusion

12. The following prior art made of record and not used in the rejections, but are considered pertinent to the applicant's disclosure : U.S. Patents 1,731,698 (Anderson), 3,462 (Simons), 1,248,114 (Hershey), 2,183,773 (Lehman), 2,781,312 (Klumb et al.), and British Patent 2,251,547 (Halliday et al.), and WO Publication 92/13733 (Burnham).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marianne S. Ocampo, whose telephone number is (703) 305-1039. The examiner can normally be reached on Mondays to Fridays from 8:00 A.M. to 4:30 P.M..

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda Walker, can be reached on (703) 308-0457. The official fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3599 for regular communications and (703) 872-9311 for After Final communications.

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15. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

M.S.O.

November 20, 2000


W. L. WALKER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700